

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KATHY HERRON,

Plaintiff,

v.

Case No. 09-12782

Hon. Patrick J. Duggan

WILSHIRE CREDIT CORPORATION,

Defendant.

**ORDER GRANTING MOTION TO DISBURSE FUNDS TO PLAINTIFF AND  
DIRECTING CLERK OF THE COURT TO FORTHWITH RELEASE AND  
REISSUE CHECK DISBURSING FUNDS**

Plaintiff filed this lawsuit on July 14, 2009, alleging that Defendant was wrongfully attempting to foreclose on her home. On December 2, 2009, the Court ordered Plaintiff to submit her monthly mortgage payments to the Court Clerk pending the outcome of the matter. (Doc. 15.) Upon receipt of the funds from Plaintiff, the Clerk of the Court deposited the funds in an interest-bearing account. (*Id.*) On July 27, 2010, the parties entered a stipulated order dismissing the lawsuit with prejudice. (Doc. 33.) The order directed the Clerk of the Court to release and disburse all funds, including all interest, held in escrow by the Court to BAC Home Loan Services, LP ("BAC") who purchased the loan from Defendant. (*Id.*) On September 9, 2010, the Court Clerk issued a check in the amount of \$5,404.18 made payable to BAC Home Loan Services, LP, which it mailed to 14523 SW Millikan Way, Beaverton, OR 97005.

Upon receipt, BAC refused the check and forwarded it to Plaintiff. Plaintiff and

BAC subsequently reached a loan modification agreement which took into account the loan arrearage of \$5,404.18 that Plaintiff had submitted to the Court Clerk by rolling the arrearage into a new, unpaid principle balance. Plaintiff therefore filed a motion in this matter on December 6, 2011, seeking a return of the funds that she paid to the Court Clerk. (Doc. 34.) Defendant filed a response to the motion, indicating that it has no objection to the relief requested. (Doc. 36.) On December 28, 2011, Plaintiff presented the check sent from the Clerk of the Court to BAC to the Court.

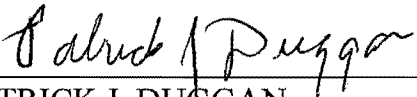
The Court concludes that Plaintiff is entitled to the funds held in the above-captioned matter, including all interest.

Accordingly,

**IT IS ORDERED**, that the Clerk of the Court shall void the check issued to BAC on September 9, 2010;

**IT IS FURTHER ORDERED**, that the Clerk of the Court shall forthwith release and re-disburse all funds, including all interest, held in escrow by the Court pursuant to the Court's Order Granting Motion for Deposit of Funds dated December 2, 2009, to Plaintiff's counsel's trust account in a check made payable to "Adam G. Taub & Associates Consumer Law Group IOLTA Account." The Clerk is ordered to contact Plaintiff's counsel when a check is ready.

Dated: **DEC 28 2011**

  
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PATRICK J. DUGGAN  
UNITED STATES DISTRICT COURT

Copies to:

Adam G. Taub, Esq.

Ari M. Charlip, Esq.

Amy Sabbota Gottlieb, Esq.